

REMARKS

Claims 1-9 and 12-17 are pending in the application after entry of the foregoing amendments. Claims 1-6 and 12-16 are withdrawn from consideration.

Claims 7-9, 11 and 17 are rejected under 35 U.S.C. § 102(b) as being anticipated by Bohlen et al. (U.S. Patent No. 4,370,554 [hereinafter "Bohlen"]).

As a preliminary matter, Applicants respectfully point out that the second full paragraph, on page 3, of the January 20, 2006 Office Action, is unclear because the sentence is not finished. In particular, the end of this paragraph ends with "of the." Clarification is respectfully requested.

To expedite prosecution and advance the application towards allowance, Applicants hereby incorporate the features of claim 11 into claim 7. Claim 11 is therefore cancelled without prejudice or disclaimer.

Claim 7 is patentable over Bohlen. For example, claim 7 is drawn to a beam adjusting sample including, *inter alia*, a microstructure which is attached on a surface of the beam adjusting sample. Also, a film of an element having a high electron stopping power is coated on the surface of the microstructure, so as to avoid or reduce transmission of an electron beam. Bohlen fails to disclose at least this unique combination of features.

The Examiner addresses the features of previous claim 11 on page 3, last paragraph, of the January 20, 2006 Office Action. In doing so, the Examiner cites to col. 3, lines 42-53 and col. 9, lines 39-62 of Bohlen. Applicants respectfully point out that the relied upon teachings of Bohlen do not disclose the features of claim 7.

For example, the disclosure in col. 3, lines 42-53 does not disclose or teach an element having a high electron stopping power which is coated on a surface of a microstructure. Instead, the cited section of Bohlen discloses two methods that can be used to receive a registration signal, wherein measurements are based on current generated in a substrate, or based on electron current that is reflected at the alignment marks. As shown in Fig. 11A of Bohlen, alignment marks 106 are provided on the wafer 8. However, this embodiment of Bohlen does not disclose the features of claim 7 regarding at least a film having high electron stopping power which is coated on the surface of the microstructure.

Moreover, the disclosure in col. 9, lines 39-62 does not teach or suggest the claimed features. Instead, this disclosure in Bohlen refers to Fig. 11B, which shows an alternative embodiment of an electron detector. In particular, the detector is shown as being “designed as an integrated component of the silicon wafer of mask 21.” (See Bohlen, col. 9, lines 40-42.) Accordingly, it is respectfully submitted that the unique combination of features recited in claim 7, including the film having a high electron stopping power and its recited positioning is not disclosed by Bohlen’s electron detector of Fig. 11B. If the Examiner disagrees, he is respectfully requested to point out specifically what he contends constitutes a film of an element having high electron stopping power and how it is coated on a surface of a microstructure.

Accordingly, Bohlen does not disclose nor teach each feature recited in claim 7, such that the rejection thereof under 35 U.S.C. § 102(b) should be withdrawn. The rejection of dependent claims 8, 9 and 17 should likewise be withdrawn at least by virtue of their respective dependencies upon claim 7.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln No. 10/679,416

ATTORNEY DOCKET: Q77786

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

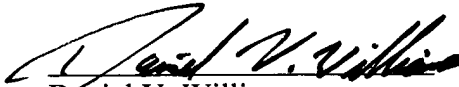
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